

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 16571 of 1994

Between:

P. Satyanarayana S/o. P. Samba Murthy, Occ: Attender,
Employee No. E-74172, A.P.S.R.T.C. Narsapur Depot, West Godavari District.

..... PETITIONER

AND

- 1 The Regional Manager, A.P.S.R.T.C. Eluru, West Godavari District.
- 2 The Divisional Manager, A.P.S.R.T.C. Eluru, West Godavari District.
- 3 The Depot Manager, A.P.S.R.T.C. Narsapur, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Letter No. P1/331(2)/94-WG, dated 5.4.1994 and also the consequential letter even no. dt. 20.6.1994 issued by the 2nd Respondent asking the petitioner to undergo practical training for the post of conductor as illegal, arbitrary and without jurisdiction and set-aside the same and consequently direct the Respondent to continue the petitioner as Attender in the Office of the Depot Manage, A.P.S.R.T.C., Narsapur Depot, West Godavari District.

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

**Counsel for the Respondents: MR. R.MANMADHA REDDY, STANDING
COUNSEL FOR APSRTC.**

The Court made the following

ORAL ORDER:

This Writ Petition is filed questioning the proceedings of the 3rd respondent dated 5.4.1994 whereby five persons, including the petitioner (who was working as an Attender in Narsapur Depot), were directed to appear for selection to the post of Conductor. The proceedings dated 5.4.1994 requires the persons named therein to appear for selection without fail irrespective of their willingness. The petitioner, in compliance with the directions, appeared for interview for selection to the post of Conductor though he was not inclined to join the said post. Consequently proceedings dated 20.6.1994 were issued by the 2nd respondent asking the three candidates including the petitioner, who appeared for interview, to undergo practical training for 15 days on completion of which, they were directed to report to the office of the Divisional Manager for joining duty as Conductors. The petitioner submitted a representation to the 1st respondent on 19.6.1994 stating that he was suffering from Asthma for the past 15 years, that he had Piles. that he was taking regular treatment and if he was posted as Conductor, there was every possibility of his health deteriorating. The petitioner requested the 1st respondent, on humanitarian grounds, to continue him as an office boy/attender. Since his request was not acceded to, the petitioner has approached this Court.

2. Sri V.Sudhakar Reddy, learned counsel for the petitioner, submits that among the five persons, who were asked to appear for selection to the post of Conductor vide proceedings dated 5.4.1994, two Attenders viz., V.H.Prasad, working as Sweeper in Eluru Depot and K.S.N.Murthy, working as an Attender at Kovvur Depot, did not appear for selection. The learned counsel would contend that despite their not attending the interview, neither was any action taken against them nor were they subsequently called for selection to the post of Conductor and that they continued to work as Sweeper and Attender at Eluru and Kovvur Depot respectively. This fact is also admitted in the counter affidavit, wherein it is stated that since V.H.Prasad and K.S.N.Murthy did not attend the interview, they were continued as Attenders, and since the petitioner attended the interview, he was not entitled to compare his case with that of V.H.Prasad and K.S.N.Murthy.

3. The proceedings of the 2nd respondent dated 5.4.1994 requires Attenders who have passed 9th Class to appear for selection to the post of Conductors irrespective of their willingness and that they should appear for interview without fail. The petitioner, having complied with the directives of the 2nd respondent, cannot be penalized for such compliance. In paragraph 4 of his affidavit, the petitioner states that he had submitted a representation before the 1st respondent on 19.6.1994, without considering which, the impugned letter dated 20.6.1994 was issued directing him along with two others to undergo practical training for the post of Conductor. This averment is not denied in the counter affidavit. It is clear that even before orders were passed on 20.6.1994 directing the petitioner to appear for training, he had submitted a representation on 19.6.1994 expressing his disinclination in joining the post of Conductor.

4. This Court by order, in WPMP.No.20541 of 1994, dated 20.9.1994 directed that the petitioner be continued as an Attender in the office of the Depot Manager, APSRTC., Narsapur Depot, pending further orders. Sri V.Sudhakar Reddy, learned counsel for the petitioner states that the petitioner continues to work as an Attender in Narsapur Depot as on date. Learned counsel submits that in view of the present situation wherein the APSRTC has surplus Conductors and the fact that the petitioner, who is presently aged 47, is suffering from ill-health, it is necessary that the respondents be directed to continue him as an Attender more so in view of the fact that both V.H.Prasad and K.S.N.Murthy are still continuing as Attenders.

5. Without going into the question as to whether the APSRTC is entitled to appoint Attenders as Conductors, without their consent, I consider it appropriate to direct the respondents to consider the case of the petitioner for his retention as an Attender in Narsapur Depot keeping in view the fact that both V.H.Prasad and K.S.N.Murthy are continuing as Attenders as on date, the ill-health of the petitioner and the alleged surplus of Conductors in APSRTC. In view of the interim orders passed by this Court on 20.9.1994, the petitioner has been continuing as an Attender in Narsapur Depot for the past 11 years. It is further directed that till the respondents reconsider the case of the petitioner and pass appropriate orders thereon, he shall be continued as an Attender in Narsapur Depot.

6. The Writ Petition is disposed of accordingly. No costs.

11.07.2005

SSR

To

- 1 The Regional Manager, A.P.S.R.T.C. Eluru, West Godavari District.
- 2 The Divisional Manager, A.P.S.R.T.C. Eluru, West Godavari District.
- 3 The Depot Manager, A.P.S.R.T.C. Narsapur, West Godavari District.

4 2 CD copies

5 1 CC to MR.SUDHAKAR REDDY

*Form-NIC-OGS/WP{**NR**}*